

ABW

Notice of Allowability	Application No.	Applicant(s)	
	10/628,457	ONO ET AL	
	Examiner	Art Unit	
	James W. Cranson	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to remarks filed 7/15/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 29 July 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Drawings

The objection to the drawing in the Office Action mailed 4/27/05 is withdrawn.

Response to Arguments

Applicant's arguments, see remarks, filed 7/15/2005, with respect to Office Action mailed 4/27/2005 have been fully considered and are persuasive. The rejection of claims 1-15 has been withdrawn.

Allowable Subject Matter

Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance: Applicant states that " it is to be noted that the case cited in the Official Action (In re Dailey and Eilers, 149 USPQ 47, CCPA 1966) does not hold that lacking any criticality, changing the form or shape of prior art parts is within the skill of an ordinary person in the art. The case concerns the patentability of a baby bottle nipple that is collapsible so that air is not admitted as the contents are drained. The Court states that the primary reference discloses that the flexible portion of its container is drawn into the rigid top portion, filling the space thereof, and that the Appellants presented no argument which convinced the Court that the particular configuration of the claimed container significant is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing mating surfaces in the collapsed container of the prior art. In other words, the operation of the device did not change as a result of the change of shape; both shapes provided mating surfaces in the collapsed container. However, changes the operation

Art Unit: 2875

of the device. the application the change in form or shape explained page lines presser changes the illumination pattern from that shown and page lines 13-24, the change shape of the Figure 2 to the one shown in Figure The entire side surface of the presser which light is applied becomes highly illuminated, causing a large area of illumination. This is a significant improvement in operation of the pushbutton. The specification as filed explains the criticality of this feature at the above-noted sections and thus the criticality not lacking. There is nothing in the APA that suggests an improvement is achievable from a change in shape of the presser to conical as claimed and thus the claims avoid this rejection under &103. Claims 4-5, 9-10, and 14-15 were rejected as unpatentable over the APA in view of RUDISILL 5,711,588. The shortcoming of the APA noted above negate the objection. " Examiner has reconsidered and agrees with Applicant's remarks. In particular, claim 1 recites an illumination structure for a pushbutton which operates as function button in an electronic device, comprising: pushbutton switch having board with circuit, metal sheet on board, light-transmissive pushbutton in opening in casing of device for being pressed from outside, light-transmissive pushbutton having outer button and presser attached to outer button and close to board to contact sheet metal, and light-emitting element on board around presser to light side surface of pressor, pressor having conical shape having upper surface as a bottom surface substantially aligned with a lower surface of button and a vertex for contacting metal sheet. This combination of limitations is not found or taught in the art of record.

Claims 2-15 depend from claim 1, add further limitations and are allowable for the same reasons

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2875

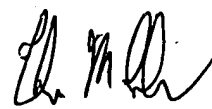
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M. - 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).





THOMAS M. SEMBER
PRIMARY EXAMINER